

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

WACO DIVISION

SIERRA CLUB,
Plaintiff

v.

ENERGY FUTURE HOLDINGS
CORPORATION and LUMINANT
GENERATION COMPANY LLC.,
Defendants.

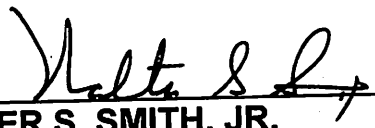
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Civil Action No. W-12-CV-108

ORDER

The Court *sua sponte* clarifies its previous order regarding Defendants' Motion to Dismiss. In the Order, the Court previously stated that 30 Texas Administrative Code § 101.222 was not incorporated into the Texas SIP. However, only § 101.222(h) was not incorporated into the Texas SIP. *Luminant Generation Co., LLC v. United States Env'tl. Prot. Agency* 699 F.3d 427, 448 (5th Cir. 2012) (holding EPA did not act in an arbitrary and capricious manner by rejecting incorporation of § 101.222(h) into the Texas SIP). This clarification does not change or alter the Court's decision to deny Defendants' motion.

SIGNED this 4th day of March, 2013.



WALTER S. SMITH, JR.
UNITED STATES DISTRICT JUDGE